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09/527,137	03/16/2000	Michael E. Pietraszak	14531.57.2	1992
22913	7590	07/07/2004	EXAMINER	
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			KOENIG, ANDREW Y	
			ART UNIT	PAPER NUMBER
			2611	10

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/527,137

**Applicant(s)**

PIETRASZAK ET AL.

**Examiner**

Andrew Y Koenig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20,23-51,54-56,58-69,72 and 74-83 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,7,9,10,15-17,19,23-32,35-48-50,54-56,58-69,72,74,78,79 and 81-83 is/are rejected.
- 7) ☒ Claim(s) 4-6,8,11-14,18,20,33,34,51,75-77 and 80 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-20, 23-51, 54-56, 58-69, 72, and 74-83 have been considered but are moot in view of the new ground(s) of rejection.

The examiner notes even though there is a new grounds of rejection, not all of the applicant's arguments are persuasive.

The applicant argues that Williams does not disclose that different EPG loaders each receives data from a different source, wherein the data is collected at a writer module, and wherein upon determining that there is a conflict in the EPG data, the conflict is resolved according to conflict resolution criteria. The examiner agrees that Williams does not disclose all of these elements in combination, but Williams teaches different loaders each receiving data from a different source, wherein the data is collected at a writer module. Williams teaches plural inputs (such as from a DSS receiver, vertical blanking interval (VBI), and other remote sources (col. 5, ll. 22-51) and storing the data in database. Further, Williams teaches a data parser 204, which collects the data from the various sources and the data engine 206 for storing the data in the database (col. 5-6, ll. 62-9). Whereas Williams discloses a data parser (204), Williams does not explicitly disclose a plurality of EPG loaders, per se, wherein each loader receives data from a different source. However, the data parser of Williams clearly has a plurality of loaders within the data parser (204) in order to receive the data signals from the various sources in that each the sources have mutually exclusive interfaces (e.g. receiving data from the vertical blanking interval (VBI) requires different

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methods from DSS and modem transfers). Accordingly, Williams teaches a plurality of loaders (within the data parser 204), wherein each receives data from a different sources. Further, Williams teaches a data engine 206 for storing the data in the database (col. 5-6, ll. 62-9).

The applicant argues that the data is put into a unitary format and is sourceless as disclosed by Williams. The examiner recognizes this feature, but notes that the system of Williams accesses the appropriate device when performing an action, thereby the source of the information is at least known (see col. 8 , ll. 44-49).

U.S. Patent 5,550,576 to Klosterman has been introduced to support the Official Notice taken that gathering data from plural sources and displaying in an EPG is well known in the art. Klosterman teaches merging channel guide information from different sources for presentation (col. 2, ll. 23-31, col. 2-3, ll. 64-9) and arranged in a guide (col. 6, ll. 34-56).

### ***Allowable Subject Matter***

2. Claims 4-6, 8, 11-14, 18, 20, 33, 34, 51, 75-77, and 80 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 103***

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 7, 9, 10, 15-17, 19, 23-32, 35-46, 48-50, 54-56, 58-69, 72, 74, 78, 79, and 81-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,157,411 to Williams et al. (Williams) in view of U.S. Patent 5,550,576 to Klosterman and U.S. Patent 5,557,724 to Sampat et al. (Sampat).

Regarding claims 1 and 42, Williams teaches gathering data from plural inputs (such as from a DSS receiver, vertical blanking interval (VBI), and other remote sources (col. 5, ll. 22-51) and storing the data in database. Further, Williams teaches a data parser 204, which collects the data from the various sources and the data engine 206 for storing the data in the database (col. 5-6, ll. 62-9). Williams teaches different loaders each receives data from a different source, wherein the data is collected at a writer module. Williams teaches plural inputs (such as from a DSS receiver, vertical blanking interval (VBI), and other remote sources (col. 5, ll. 22-51) and storing the data in database. Further, Williams teaches a data parser 204, which collects the data from the various sources and the data engine 206 for storing the data in the database (col. 5-6, ll. 62-9). Whereas Williams discloses a data parser (204), Williams does not explicitly disclose a plurality of EPG loaders, per se, wherein each EPG loader receives data from a different EPG source. The data parser of Williams clearly has a plurality of loaders within the data parser (204) in order to receive the data signals from the various

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sources in that each the sources have mutually exclusive interfaces (e.g. receiving data from the vertical blanking interval (VBI) requires different methods from DSS and modem transfers). Accordingly, Williams teaches a plurality of loaders (within the data parser 204), wherein each receives data from a different sources. Further, Williams teaches a data engine 206 for storing the data in the database (col. 5-6, ll. 62-9).

Williams is silent on explicitly using the data for an electronic program guide (EPG).

Klosterman teaches merging channel guide information from different sources for presentation (col. 2, ll. 23-31, col. 2-3, ll. 64-9) and arranged in a guide (which reads on an EPG)(col. 6, ll. 34-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by gathering data from plural sources and displaying in an EPG as taught by Klosterman in order to provide a convenient user interface to the user thereby providing access to various channels independent of source. Williams is silent on resolving conflicts from at least two different sources. Klosterman teaches noting or deleting duplicative names of names from a cable and DBS source (col. 6, ll. 39-50), which equates to resolving conflicts from at least two different sources according to a conflict resolution criteria. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by resolving conflicts from at least two different sources according to a conflict resolution criteria as taught by Klosterman in order to reduce duplication thereby enabling the guide to show more relevant information to the user. Williams is silent on calling and executing functions. Sampat teaches loading functions from modules and enabling execution of the functions (col. 33, ll. 6-23). Therefore, it

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would have been obvious to one of ordinary skill at the time the invention was made to modify Williams by loading and executing functions as taught by Sampat in order to provide a uniform interface for a program to access resources thereby promoting a more robust and platform independent system.

Regarding claims 7, 24, 32, the combination of Williams, Klosterman, and Sampat has been discussed in claim 1. Further, the combination teaches a placing content into an EPG, clearly at least for updating and the initial startup of the device, new EPG channel information is inherently added to the database in order to access and process the information from the database itself.

Regarding claims 9,10, 15, 31, Williams is silent on removing channel and program data. Official Notice is taken that removing channel and program data is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by removing channel and program data in order to eliminate out-of-date and undesirable channel information from the database.

Regarding claims 16, 17, 19, Williams is silent on removing a property from a program object and a schedule entry. Official Notice is taken that replacing data in an EPG is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by replacing data, which equates to removing (and adding) data to program objects of a schedule entry in order to maintain a current and accurate guide, thereby presenting useful information to the user.

Regarding claim 23, the combination of Williams, Klosterman, and Sampat has been discussed in claim 1. Williams is silent on removing duplicates (col. 6, ll. 39-50), which equates to setting a preferred result for a condition. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by removing duplicates as taught by Klosterman in order to provide an efficient comprehensive guide to the user.

Regarding claims 25-28, Williams is silent on adding extensible name-value properties to different fields. Official Notice is taken that use of an extensible name-value is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by using extensible name-values in order to further describe a field, code, and provide additional information to the user.

Regarding claim 29, Williams is silent on a purchase string to a schedule entry. Official Notice is taken that purchasing programs is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by purchasing programs such as pay-per-views (PPV) and video-on-demand (VOD) programs in order to provide additional services to the user and provide a means to select the programs.

Regarding claim 30, Williams teaches traits including ratings (col. 7, ll. 21-29).

Regarding claims 35-36, Williams is silent on indicating completion of the database or EPG services storage. Official Notice is taken that providing software indications (such as status information) is well known in the art. Therefore, it would



have been obvious to one of ordinary skill in the art at the invention was made to modify Williams by providing indications in order to ensure that the data being accessed is valid.

Regarding claims 37, Williams teaches activating the appropriate devices when requested by the user, clearly there exists a relationship between the entry in the database and the source (col. 8, ll. 1-59).

Regarding claims 38 and 41, Williams teaches network addresses such as uniform resource locators (col. 7, ll. 21-29).

Regarding claim 39 and 40, Williams is silent on mapping a weblink to a channel or a program. Official Notice is taken that mapping a weblink to a channel or program is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by mapping a weblink to a channel and a program in order to provide the user with additional information thereby increasing interactivity.

Regarding claims 43 and 78, Williams is silent on calling and executing functions. Sampat teaches client applications calling functions through the media service manager (MSM) application programming interface (API) for retrieving and gathering data for the client application (col. 15, ll. 4-16). Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Williams by calling and executing functions from the API to retrieve and access data as taught by Sampat in order to provide a uniform interface for a program to access resources thereby promoting a more robust and platform independent system.

Regarding claim 44, Williams teaches various methods for displaying information, such as alphabetically, by rating, genre, etc, which reads on a collection of names of known schemes for organizing.

Regarding claim 45, Williams teaches returning an end time to a program (col. 7, ll. 21-29).

Regarding claim 46, Williams is silent on returning the furthest time in the future when a program starts. Official Notice is taken that returning the furthest time in the future when a program starts is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by returning the furthest time in the future when a program starts in order to enable the user to select a desirable time to view the programming.

Regarding claims 47-48, Williams teaches returning information on programs (col. 7, ll. 21-29), which confirms the channel and indicates that the channel data exists.

Regarding claim 49, Williams teaches organizing on ratings (col. 7, ll. 21-29, col. 8, ll. 15-24), which clearly has a collection of strings for names of the rating.

Regarding claim 50, Williams teaches altering the presentation order of programs, which is a function that retrieves a channel collections (col. 8, ll. 15-27).

Regarding claims 54 and 55, Williams teaches searching using the query interface (col. 6, ll. 15-27, col. 7, ll. 21-29).

Regarding claim 56, Williams teaches associating the source and channel with the item in the database (col. 8, ll. 40-59).

Regarding claim 58, Williams teaches searching (col. 6, ll. 15-27), which reads on a function returns information indicating whether data is found for a range.

Regarding claim 59, Klosterman teaches displaying an EPG, which has been discussed in claim 1, which equates to retrieving a program object representing a program shown on a specified channel at a specified time.

Regarding claims 60-64, 68, 69, Williams teaches an end time, duration, rating, start time, and title (col. 7, ll. 21-29)

Regarding claims 65-66, the system of Williams inherently adds data into the database in order to access the information at a later time, clearly the presence of new information would necessitate the information to be added to the database, which equates to a function indicating an event should be fired when a new channel has been added.

Regarding claim 67, the combination of Williams and Klosterman has been addressed in the discussion of claim 1. Klosterman teaches displaying a guide for a given time period (fig. 2), which equates to a function returns updates occurring within a particular time range.

Regarding claim 72, Williams is silent on searching for a case-insensitive string. Official Notice is taken that searching a case-insensitive string is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by using a case-insensitive string in order to provide a more useful user interface thereby making the searches more efficient.

Regarding claim 74, Williams teaches searching for programs, but is silent on retrieving a collection of sub-category names for a given category. Official Notice is taken that retrieving a collection of sub-category names for a given category is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by retrieving a collection of sub-category names for a given category in order to facilitate searching thereby simplifying the searches for the user.

Regarding claim 79, the combination of Williams and Klosterman has been addressed in the discussion of claim 1. Klosterman teaches deleting one of the channels or both of the channels from two different sources, thereby giving precedence to EPG data received from the sources (col. 6, ll. 34-56).

Regarding claim 81, the combination of Williams and Klosterman has been addressed in the discussion of claim 1. Klosterman teaches deleting one of the channels or both of the channels from two different sources, thereby allowing the user to select a conflict resolution scheme (col. 6, ll. 34-56).

Regarding claim 82, the combination of Williams and Klosterman has been addressed in the discussion of claim 1. Klosterman teaches deleting one of the channels or both of the channels from two different sources, thereby enabling the user to assign a priority to the EPG loader (col. 6, ll. 34-56).

Regarding claim 83, the combination of Williams and Klosterman has been addressed in the discussion of claim 1. Klosterman teaches the user deleting one of the

channels or both of the channels from two different sources (col. 6, ll. 34-56), which is performed in software which reads on an application.

5. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,157,411 to Williams et al. (Williams), U.S. Patent 5,550,576 to Klosterman, and U.S. Patent 5,557,724 to Sampat et al. (Sampat) in view of U.S. Patent 5,850,218 to LaJoie et al. (LaJoie).

Regarding claim 2, Williams teaches traits including title, channel, station call letters, actors/actresses/artists, duration, start time, end time, genre, critique, rating, location of software files, parameters for executing applications, network addresses such as uniform resource locators, etc (col. 7, ll. 21-29), but is silent on a new audio subchannel format. LaJoie teaches SAP (fig. 8, label 180, col. 19, ll. 29-38), which is an alternative audio subchannel format displayed on an EPG. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by adding an audio subchannel format thereby displaying the alternative audio subchannel as an option to the user as taught by LaJoie in order to further enable the user to select a desired channel for listening.

Regarding claim 3, Williams is silent on adding a new audio subchannel format to a schedule entry. LaJoie teaches SAP (fig. 8, label 180, col. 19, ll. 29-38) associated to a program thereby related to a schedule entry, which was clearly added in order to display its status. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by adding a new audio

subchannel to a schedule entry as taught by LaJoie in order to display and present the information to the user, thereby enabling the user to select the desired audio subchannel.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER